

Minutes of the August 20, 1999 Meeting
City Council Chambers of Loma Linda
25541 Barton Road
Loma Linda

1. Chair Stein called the meeting to order at 9:10 a.m.

Board Members Present

Karen Stein, Chair
John Withers, Vice Chair
Evelyn Hart
Rodger Siems
Melody Henriques

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Joanne E. Schneider, Environmental Program Manager
Karen Y. White, Executive Assistant
Gary Stewart, Chief, Regulations Section
Nancy Martinez, Office Assistant, Administrative Support Section
Barbara Laffoon, Office Technician, Administrative Support Section
Bill Norton, Sanitary Engineering Associate, SLIC and Dairies Section
Athar Khan, Sanitary Engineering Associate, SLIC and Dairies Section
Ed Kashak, Engineering Geologist, SLIC and Dairies Section

Legal Counsel

Ted Cobb

State Board Representative

Mary Jane Forster

Public in Attendance

Bob Perkins, Riverside County Farm Bureau
Charles Davis Sr., Prison Industries Authority
Don Kaufman, Prison Industry Authority
Pat Kilroy, City of Lake Elsinore
Thomas H. McPeters, Fontana Union Water Company
Lindell Marsh, Santa Ana River Watershed Group

Don Newcome, Milk Producers Council
John Fleming, Western United Dairyman
Paul Davis, El Mirage Chamber of Commerce
Robert Newfeld, Cucamonga County Water District
Matt Rayl, Serrano Creek Ranch
Robert Feenstra, Milk Producers Council
Marcia Gilchrist, Representative of Congressman Ed Royce Office
Rod Cruze, City of Riverside
John Borges, Western United Dairyman
Sam Pascual, County of Orange, Integrated Waste Management District
Haydar Azzouz, GeoSyntec Consultants
Brian Martello, Ecology Control Industries
Julia Lester, South Coast Air Quality Management District
Brad Scott, Scott Bros. Dairy
Mary Aileen Matheis, Irvine Ranch Water District
Kelly Rowe, Orange County Water District
Essie Boostra, John Boostra Dairy
Diane Sanchez, Department of Water Resources
Edward A. LaBahn, Dana Point resident
Ed Royce, Sr., Municipal Water District of Orange County
Robert Huntley, Municipal Water District of Orange County
Fred R. Bockmiller, Mesa Consolidated Water District
Harvey F. Collins, National Water Res. Institute
Martin Rigby, Orange County Water District
Scott Maass, Environmental Health Services, San Bernardino County
Glen Durrington, Durrington Farms
Sid Sybrandy, Dairyman
Beverly Toy, League of Women Voters
Dan Meer, United States Environmental Protection Agency
Bob Best, OSDA, National Resources Conservation Services
Mike Bouris, Bouris Ranches
Geoffrey Vanden Heuvel, Dairyman
Ray Mokhtari, Metropolitan Water District of Southern California
Kevin Engelsma, Dairyman
Mrs. Engelsma, Dairy Operator

3. Approval of minutes of the Regular Meeting of June 25, 1999

There being no additions or corrections, the minutes of the regular board meeting held on June 25, 1999, were approved, as presented.

4. Consideration of Consent Calendar Items

New Waste Discharge Requirements for U. S. Army Corps of Engineers
Outer Anaheim Bay Maintenance Dredging and Beach Replenishment, Seal
Beach/Sunset Beach, Orange County Order No. 99-56

Revised Waste Discharge Requirements for County of Orange Integrated
Waste Management Department, Olinda Alpha Landfill, Orange County
Order No. 99-33

Renewal of Waste Discharge Requirements for Consolidated Waste
Industries, Inc., Montclair, San Bernardino County, NPDES No. CA8000065
Order No. 99-55

Renewal of Waste Discharge Requirements for California Cascade
Industries, Fontana, San Bernardino County, NPDES No. CA8000349
Order No. 99-63

ACTION: It was moved by Board Member Henriques, seconded by
Board Member Withers, and unanimously carried to adopt
Orders No. 99-56, 99-33, 99-55, and 99-63, as presented.

9. Appeal for an Exemption from the Mill Creek Area Waste Discharge
Prohibition for Continuing Use of Subsurface Leaching/Percolation Systems
- Brian Conroy, APN 323-431-21, Lots 220 and 221 of Tract 2007, Cedar
Drive, Forest Falls, San Bernardino County

Chair Stein indicated that this item has been removed from Regional
Board consideration.

10. Renewal of General Waste Discharge Requirements for Concentrated
Animal Feeding Operations (Dairies and Related Facilities) within the
Santa Ana Region, NPDES No. CAG018001

(Information pertaining to this item is contained in a verbatim transcript.)

Chair Stein opened the hearing by reading the Chair's Statement. She
announced that Items 10 and 11 would be presented together by
Regional Board staff.

Executive Officer Thibeault acknowledged the work of Robert Holub, Chief
of the SLIC and Dairies section, in preparing staff presentations for the
dairy workshops, Tentative Order No. 99-11, and Cease and Desist Order
No. 99-65. He stated that Mr. Holub was ill and that Kurt Berchtold,
Assistant Executive Officer, would make the staff presentation.

Mr. Berchtold also recognized the work of Mr. Holub. Mr. Berchtold stated that as of August 20, 1999, three dairy workshops have been held by the Regional Board to discuss and receive comments regarding the adoption of Tentative Order No. 99-11. Mr. Berchtold stated that the staff reports for all proceeding workshops, public comments, and correspondence received would be considered part of the record. Regional Board staff has integrated appropriate changes based on comments received from public agencies and interested parties into the proposed orders.

Mr. Berchtold began with an overview of Tentative Order No. 99-11, NPDES No. CAG018001, for concentrated animal feeding operations (dairies and related facilities). He stated that with the exception of three major changes, the proposed order basically is analogous to the prior general dairy permit adopted by the Regional Board in 1994. Mr. Berchtold reviewed the three major changes in the proposed order: prohibiting application of manure in the Chino Basin and all other basins that lack assimilative capacity; requiring removal of all manure from each facility within 180 days after removal of the manure from corrals; and requiring development of an Engineered Waste Management Plan (EWMP) for all facilities. He emphasized that the proposed changes related to prohibiting the application of manure are consistent with the California Water Code and the Basin Plan with respect to groundwater subbasins lacking assimilative capacity for TDS and nitrogen. According to the Basin Plan, the Chino II and III Subbasins lack assimilative capacity. He further indicated that since the Chino I Subbasin is tributary to Chino II and III, staff is proposing that the application of manure throughout Chino Basin be prohibited. Mr. Berchtold addressed changes to the proposed order requiring manure to be hauled from each facility within 180 days upon removal from the corrals. Mr. Berchtold stated that the purpose of the manure removal requirement is to eliminate excessive accumulation of manure on-site. He also explained that each facility will be required to specify two "clean days" per year to be reported to Regional Board staff at least five working days before the selected dates. This time frame will allow Regional Board staff to inspect the facility to ensure compliance with the manure removal requirement. Next, Mr. Berchtold talked about the requirement for an EWMP. The purpose of this requirement is to assure compliance with Title 27 and the Clean Water Act for containment of wash water and rainfall runoff.

Mr. Berchtold discussed Item 11, proposed Cease and Desist Order No. 99-65. This order was prepared by Regional Board staff to address facilities unable to immediately comply with several of the proposed requirements contained in Order No. 99-11. The cease and desist order contains time schedules for these facilities to meet the requirements in

Order No. 99-11. Mr. Berchtold reviewed the findings and proposed time schedules in Cease and Desist Order No. 99-65. He emphasized that the cease and desist order provides facilities two years for removal of stockpiled manure. He noted that the Regional Board staff would propose a time schedule for facilities to develop and implement EWMPs at the October 7, 1999 meeting. He indicated that the facilities will be divided into four groups. He explained that the division of facilities into groups will be established according to the susceptibility to flooding, and years expected to remain at the current facility location. He emphasized that facilities that currently have an approved EWMP will not be affected by this time schedule. Mr. Berchtold reviewed the runoff containment requirements and noted that the proposed cease and desist order does not contain a time schedule for compliance with this requirement. Therefore, staff will be evaluating discharges in violation of this requirement on a case by case basis. The proposed order also allows manure application to existing croplands in the Chino Basin at agronomic rates as long as progress continues towards construction of a second desalter. Mr. Berchtold answered questions from the Regional Board and recommended adoption of Order No. 99-11 and Cease and Desist Order No. 99-65, as presented.

Comments were received from the following:

Robert Feenstra, General Manager of Milk Producers Council (MPC), commented on requirements of the proposed general dairy permit, Order No. 99-11. Mr. Feenstra asked whether facilities presently obtaining or implementing an EWMP would be required to submit new plans.

Mr. Thibeault responded that all facility operators who currently have an approved EWMP would not be required to resubmit plans.

In addition, Mr. Feenstra asked whether a "buddy system" would be appropriate for dairies that cannot meet the 25-year, 24-hour storm requirement.

Mr. Thibeault responded affirmatively. Staff Counsel Cobb requested that MPC notify the Regional Board staff of the dairymen that will be participating in the "buddy system."

Mr. Feenstra continued his comments by requesting a 4-year exit strategy plan for manure removal. He emphasized that the two year removal period is not sufficient. He stated that additional time is needed for implementation of best management practices for manure removal and to organize manure exit strategies with various agencies working with MPC. Mr. Feenstra thanked the Regional Board staff for working with MPC and

the dairy industry in development of the proposed dairy permit. In conclusion, Mr. Feenstra urged the Regional Board to support MPC's request to extend the manure removal time to 4-years.

John Fleming, Consulting Engineer, Western United Dairymen, submitted written comments to the Regional Board addressing the three major requirements of the proposed general dairy permit. He stated that Western United Dairymen believes that the proposed requirements are stringent and costly but can be met by the dairy industry. He further indicated that Western United Dairymen staff is looking for alternate strategies to meet the proposed requirements.

Glen Durrington, Durrington Farms, asked for clarification on the proposed manure application requirement. Mr. Berchtold responded to Mr. Durrington's question.

Mike Bouris, Bouris Ranches, advised the Regional Board about an incident that occurred with Regional Board staff regarding manure application. In addition, Mr. Bouris requested that the Regional Board notify the farming industry, in advance, of proposed requirements that may impact the farming industry.

Bob Perkins, Executive Manager, Riverside County Farm Bureau, requested that no additional requirements or fees be imposed to local farmers. He further emphasized the importance of making the farming industry aware of proposed requirements considered by the Regional Board.

Bill Mills, Orange County Water District, expressed the District's support of the proposed general dairy permit Order No. 99-11. He also submitted a resolution of support of the proposed orders prepared by the Orange County Board of Supervisors, and a letter from the City of Santa Ana. He urged the Regional Board to shorten the proposed time schedule contained in the cease and desist order for the removal of stockpiled manure to prevent further degradation to the groundwater basin. Mr. Mills showed several slides presenting historical events that have led to the current groundwater contamination problems. Mr. Mills further emphasized that the District and Orange County representatives have built desalters and implemented technical strategies to address the degradation to groundwater. However, he indicated that further degradation has occurred. He stated that the District realizes that compliance with the proposed requirements may not be achievable by the dairy industry. The District proposes that instead of paying into the state account for failure to comply with the proposed permit, payments be applied to a "Dairy Environmental Restoration Fund" to mitigate water quality degradation

costs. He proposed that these funds be dedicated to assist in strategies to restore the groundwater supply for Orange County. Next, Mr. Mills talked about the various health effects associated with high nitrates in the groundwater, and recent major fish kills caused by dairy waste discharges. Mr. Mills indicated that the District is willing to work with the Regional Board in implementation of the state and federal laws to ensure protection of water quality. Mr. Mills urged the Regional Board to adopt Order No. 99-11 and Cease and Desist Order No. 99-65, as presented.

Marcia Gilchrist, administrative assistant to Congressman Ed Royce in Fullerton, read into the record a letter signed by Mr. Royce supporting the proposed dairy general permit and cease and desist order.

Chair Stein called for a 10-minute break.

Chair Stein reconvened the meeting.

Frank Bryant, Orange County Water Task Force, urged the Regional Board to adopt the proposed orders. He also expressed his concerns with the continued degradation to the groundwater basin and costs incurred by downstream users to restore the drinking water supply. He further encouraged the Regional Board to shorten the time schedule for removal of stockpiled manure proposed in the cease and desist order.

Jan Flory, Mayor, City of Fullerton, stated that the City of Fullerton strongly supports the proposed permit and cease and desist order. She also thanked the Regional Board for preparing the proposed requirements.

Harvey Collins, Chairman of Scientific Advisory Panel for the Santa Ana River Health Effects Study, talked about the effects of the dairy runoff and the high salt contents impacting water quality. He also noted the massive fish kill and health problems associated with the contaminated water. He urged the Regional Board to adopt the proposed dairy permit and cease and desist order, but to require an expedient time schedule to prevent further degradation to water quality.

Dr. John Skinner, Newport Beach resident, expressed concern with continued degradation of water quality to downstream users. He talked about various human diseases caused from contact with contaminated water. Dr. Skinner urged the Regional Board to adopt the proposed general dairy permit and cease and desist order with an expedient time schedule.

Dr. Robert Huntley, Westminster resident, Board Member of Metropolitan Water District of Southern California, expressed concerns with the continual degradation to the groundwater basin. He urged the Regional Board to adopt the proposed general dairy permit and cease and desist order.

Fred Bockmiller, Board President, Mesa Consolidated Water District, stated that Mesa residents receive approximately 75% of their water from the Orange County groundwater basin. Therefore, residents of Mesa strongly support Regional Board adoption of the proposed order. Mr. Bockmiller read into the record a letter of support prepared by the District. He urged the Regional Board to adopt the proposed dairy requirements and cease and desist order.

Mary Matheis, Director, Irvine Ranch Water District, stated that the District strongly supports the proposed general dairy permit and cease and desist order. Ms. Matheis stated that IRWD receives about 30 to 50% of water supply from the Orange County groundwater basin and is one of the largest users of reclaimed water in the Orange County area. Therefore, she urged the Regional Board to adopt the proposed orders to prevent further degradation to the groundwater basin.

Larry Dick, member of the Serrano Recreation Committee, asked for clarification on the 25-year, 24-hour storm rainfall requirement. Mr. Dick expressed his dismay with Orange County residents incurring expenses to offset the high salt content contained in the groundwater basin.

Ed Royce, Sr., Stanton resident and member of the Orange County Water District, Board of Directors, read into the record a letter prepared by the mayor of Stanton, expressing strong support for the proposed general dairy permit and cease and desist order.

Bill Hartge, Huntington Beach resident and Chairman, Water Agency of County (WACO), expressed strong support of the proposed dairy permit and cease and desist order.

Kelly Rowe, Orange County Water District, Board of Directors, stated that the Board of Directors urges the Regional Board to comply with the state and federal law and adopt the proposed orders. Mr. Rowe expressed his concerns with the cow density for the area and the excessive manure stockpiling. Mr. Rowe urged the Regional Board to support the dairy restoration fund proposed by Orange County Water District to offset the costs to Orange County residents.

Reed Royalty, President of Orange County Taxpayers Association, stated that over 6 million tax dollars have been used to restore the water quality in Orange County. Therefore, he expressed strong support of the proposed dairy general permit and the cease and desist order.

Irv Pickler, President, Orange County Water District, Board of Directors, stated that the groundwater supply is critical for the Orange County area. Therefore, Orange County residents strongly support the proposed dairy general permit and cease and desist order. To eliminate further contamination to the groundwater basin, Mr. Pickler urged the Regional Board to decrease the time schedule proposed in the cease and desist order.

Dan Meer, Chief, Office of Clean Water Act Compliance, USEPA, Region IX, stated that written comments were provided to the Regional Board in a letter dated August 13, 1999. Mr. Meer suggested changes to the proposed order to strengthen its enforceability. He also urged the Regional Board to shorten the time schedule as proposed in the cease and desist order. Mr. Meer answered questions from the Regional Board.

Robert Newfeld, President, Board of Directors of the Cucamonga County Water District, talked briefly about events that have resulted in degradation of the groundwater basin. He also talked about development and operations of desalters to offset the high salt content in water. Mr. Newfeld requested that staff review data to ensure that the most current data is used. Mr. Newfeld expressed his support of the proposed general dairy permit and urged the Regional Board to shorten the time schedule proposed in the cease and desist order.

Blake Anderson, Assistant General Manager, Orange County Sanitation District, expressed the District's support of the proposed general dairy permit and cease and desist order. He also notified the Regional Board of his participation in the Santa Ana River Watershed Group, and development of a strategy plan to eliminate excessive manure in the Chino Basin. Mr. Anderson introduced Lindell Marsh of the Santa Ana River Group (Group).

Lindell Marsh reviewed strategies proposed by the Group to eliminate further degradation to the groundwater basin. He requested that the Regional Board add a provision to the proposed order requiring the Group to develop a subgroup that will focus on preparing a memorandum of agreement for the dairy industry and Regional Board, to address issues related to the proposed dairy orders by December 31, 1999.

Gary Hackney, Inland Empires Utilities Agency (IEUA), stated that the IEUA has participated in ongoing desalter programs to eliminate further degradation to the water quality. Mr. Hackney stated that IEUA strongly supports the proposed orders and is willing to assist the Regional Board in ensuring protection of water quality.

Thomas McPeters, Attorney for Fontana Union Water Company, requested that the Regional Board postpone consideration of the proposed general dairy permit and cease and desist order. He further requested that the Regional Board ask staff to provide data on desalter operations in the Chino Basin. He indicated that it was inappropriate to rely on the implementation of desalters in setting permit requirements unless there was evidence that the desalters would be in fact built. He contended that the use of desalters, as offset programs, may not be adequate to meet state and federal requirements. He also contended that the proposed orders should be more stringent to eliminate further degradation to the groundwater basins.

Joe Grindstaff, General Manager, Santa Ana Watershed Project Authority (SAWPA), stated that SAWPA is anticipating completion of the Chino Basin Desalter in December, with operations beginning in January. He stated SAWPA's support of the dairy restoration fund proposed by Orange County Water District. Additionally, Mr. Grindstaff stated that SAWPA supports the Regional Board's goals and requested that the proposed subgroup suggested by Mr. Marsh, be under the direction of SAWPA.

Geoffrey Vanden Heuvel, Chino resident and member of the Chino Watermaster Board, talked about the ongoing events in the dairy industry to address the proposed requirements. He advised the Regional Board that manure removal costs are per truckload, approximately \$100.00 for 10 tons of manure, which equates annually to \$100-\$150 per cow. Mr. Vanden Heuvel emphasized that these additional costs will result in a financial hardship for the dairy industry. Mr. Vanden Heuvel answered questions from the Regional Board.

Chair Stein closed the public hearing. She then asked the Regional Board for comments. Discussion ensued among the Regional Board Members regarding comments received and suggested changes to the proposed order.

ACTION: It was moved by Board Member Withers, seconded by Board Member Henriques, and unanimously carried to adopt Order No. 99-11, NPDES No. CAG018001, as proposed.

ACTION: It was moved by Board Member Withers, seconded by Board Member Hart, and unanimously carried to adopt Cease and Desist Order No. 99-65, as presented.

12. Cajon Illegal Landfill Fire, San Bernardino County - Resolution No. 99-70

Chair Stein stated that this item has been removed from Regional Board consideration.

13. General Permits

The Regional Board accepted the report as presented.

14. Hazardous Waste and Sewage Spill Incident Report

The Regional Board accepted the report as presented.

15. Executive Officer's Report (information item)

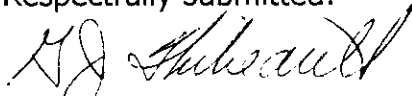
Executive Officer Thibeault answered questions from the Regional Board addressing items of the written report.

The Regional Board discussed and agreed to move the next regularly scheduled Board meeting of October 1, 1999 to Thursday, October 7, 1999.

17. ADJOURNMENT

Regional Board Chair Stein adjourned the meeting at 12:55 p.m., to the regular meeting of October 7, 1999, at the City Council Chambers of Corona.

Respectfully submitted:



Gerard J. Thibeault
Executive Officer

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